UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

PAULA F. SOTO,)
Plaintiff,)
v.) C.A. No. 13-10822
CITY OF CAMBRIDGE,)
Defendant.)))

PLAINTIFF PAULA F. SOTO'S OPPOSITION TO DEFENDANT CITY OF CAMBRIDGE'S MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFF'S PAULA F. SOTO'S OPPOSITION TO MOTION TO STAY

Plaintiff, Paula F. Soto, respectfully submits this opposition to Defendant City of Cambridge's Motion for Leave to File Reply to Plaintiff Paula F. Soto's Opposition to Motion to Stay.

As an initial matter, Plaintiff's Opposition to Defendant's Motion to Stay did not raise any new issues. The City chose to file a perfunctory motion that wholly failed to explain the basis for a stay. The City's proposed reply does not contain any argument that could not have been raised in their initial motion. Indeed, the City continues to fail to explain in its proposed reply why it believes that the proposed amendments will "moot" the case. The City only points to a statement regarding commercial speech that it lifts out of context. (Dkt. 56-1 at 1.)

However, the City's position in this case is that Plaintiff's leafleting is commercial speech. The proposed amendments do not change the City's position on this issue. (*See* Plaintiff's Opposition to Defendant's Motion to Stay, Dkt. 55 at p. 5.) Further, even if the City reversed its position on that issue, it still would not moot Plaintiff's claims that the City's enforcement of its

stated policy and interpretation of its City ordinance is a violation of her First Amendment rights, and her claim that the laws the City relies on do not support the City's unconstitutional policy.

(Dkt. 55 at 3-6.) Nor would it do anything to alter the City's contention that its policy against Plaintiff's leafleting activity is also justified based on Mass Gen. Laws. Ch. 266, § 126.

At bottom, the City is asking the Court to stay the case for some undetermined period of time based on proposed amendments that have no guarantee of passing and which expressly cover the very type of conduct that the City contends Plaintiff is engaging in—commercial leafleting (which she is not). This is plainly not a situation that warrants a stay.

Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the Court deny the City's motion for leave to file a reply, deny the City's motion to stay, and re-institute the summary judgment schedule, requiring the City to respond to Plaintiff's motion for summary judgment by April 15, 2015. Should the Court permit Defendant to file a reply, Plaintiff respectfully requests that it be permitted to file a short sur-reply.

Respectfully submitted, Dated: March 31, 2015

/s/ Julia M. Ong

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Certificate of Service

I, Julia M. Ong, hereby certify that PLAINTIFF PAULA F. SOTO'S OPPOSITION TO DEFENDANT CITY OF CAMBRIDGE'S MOTION FOR LEAVE TO FILE REPLY TO PLAINTIFF'S PAULA F. SOTO'S OPPOSITION TO MOTION TO STAY filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on March 31, 2015.

/s/ Julia M. Ong Julia M. Ong